

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

SAMAR AKINS, in certification for )  
every African American man, )  
woman, and child in the state of )  
Nebraska, )

Plaintiff, )

v. )

JON BRUNING, Attorney General, )  
DAVE HEINEMAN, Governor, and )  
CHRIS BEUTLER, Mayor, Lincoln, )

Defendants. )

4:14CV3092

**MEMORANDUM  
AND ORDER**

This matter is before the court on Plaintiff's Motion for Leave to Appeal in Forma Pauperis (Filing No. [10](#)). Plaintiff filed a Notice of Appeal (Filing No. [9](#)) on November 5, 2014. Plaintiff appeals from the court's Memorandum and Order dated October 7, 2014 (Filing No. [7](#)), in which the court dismissed this matter without prejudice.

As set forth in [Federal Rule of Appellate Procedure 24\(a\)\(3\)](#):

(a) Leave to Proceed in Forma Pauperis . . .

(3) Prior Approval. A party who was permitted to proceed in forma pauperis in the district-court action, or who was determined to be financially unable to obtain an adequate defense in a criminal case, may proceed on appeal in forma pauperis without further authorization, unless:

(A) the district court—before or after the notice of appeal is filed—certifies that the appeal is not taken in good faith or finds that the party is not otherwise

entitled to proceed in forma pauperis and states in writing its reasons for the certification or finding . . . .

The court finds that because Plaintiff proceeded IFP in the district court, he may now “proceed on appeal in forma pauperis without further authorization.”

IT IS THEREFORE ORDERED that:

1. On the court’s own motion, Plaintiff is granted leave to proceed on appeal in forma pauperis.
2. The Clerk of the court shall provide the Eighth Circuit Court of Appeals with a copy of this Memorandum and Order.

DATED this 7th day of November, 2014.

BY THE COURT:

s/ Joseph F. Bataillon  
Senior United States District Judge

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